DOCUMENT RESUME

ED 288 342 EC 201 223

TITLE	Program Adequacy in Special Education.
INSTITUTION	Alberta Dept. of Education, Edmonton. Special Educational Services Branch.
PUB DATE	87
NOTE	24p.
AVAILABLE FROM	Central Support Services, 8th Floor West, 11160 Jasper Ave., Edmonton, Alberta T5K 0L2, Canada.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Disabilities; Educational Legislation; Elementary Secondary Education; Foreign Countries; Handicap Identification; History; Individualized Instruction; Outcomes of Education; Parent Responsibility; Program Development; Program Evaluation; *Public Policy; *Special Education; Student Placement
IDENTIFIERS	*Alberta

ABSTRACT

The document sets forth the rationale for determining adequacy in special education under Alberta (Canada) Education policy. A structural approach is proposed in which a program is judged adequate when a definite set of procedures has been established and implemented and when the principles of natural justice have been adhered to in the process. Background information touches upon the nature of special education (including Alberta's goals of education), the responsibility for special education (with information on the School Act, the Charter of Rights and Freedoms, and Alberta Education Policy), parental responsibility, and partnerships among the school, parents, and other agencies. The concept of adequacy is defined in terms of input and output measures and choice of programs. Input requirements for an adequate program are addressed for aspects of identification, assessment, program planning, program implementation, and program monitoring. Parent involvement is explained for such components as referral and assessment. The appeal procedures are reviewed. Appended material includes criterion teaching behaviors for special education, a discussion of placement alternatives for students with special educational needs, and a Cascade Service Delivery Model. (CL)

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Program Adequacy In Special Education

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Special Educational Services

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In
Special Education

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Special Educational Services gratefully acknowledges the work of Dr. Don Hepburn in the preparation of this document.

Introduction

Special education implies a commitment to provide special instructional methods which make it possible for children who deviate markedly from the average to receive an education commensurate with their potential. Under Alberta Education policy, school jurisdictions are expected to provide for each special education student an individually designed program, which will address the child's special needs. It is within this context that the issue of program adequacy arises.

As special education programs and services have continued to expand, the need for a basis upon which to determine the acceptability of a program in providing for a child's special needs has become increasingly apparent. Decisions regarding placement, program development and program modification are all grounded in a concept of adequacy and all provide for potential points of conflict in the absence of a common approach.

This document is designed to meet the need for a definition of adequacy in special education. Since it is impossible to define adequacy in absolute terms, the document proposes a structural approach. On this basis, a program is deemed to be adequate when a definite set of procedures has been established and implemented and when the principles of natural justice have been adhered to in the process.

The document sets out the rationale for such an approach, provides a clear description of the procedures to be utilized and notes the intrinsic role of parents in the overall process. The document is designed for use by all those involved in the provision of special educational services to students, including teachers, parents and school administrators.

Program Adequacy in Special Education

1.0 Background

Parental concerns regarding the adequacy of school programs have become more frequent in recent years. In the United States there has been much litigation in which parents have charged school systems with failure to produce outcomes which have been expected or reported, or with failure to provide special programs for children with special needs, especially handicapping conditions. In Alberta there has been relatively little litigation but in recent years, following the implementation of appeal procedures for special education programs, there has been a sharp increase in the number of appeals expressing dissatisfaction with the programs provided by school boards for children with handicapping conditions. Until now, there has been very little guidance to assist school jurisdictions in determining what constitutes an adequate special education program for any particular pupil. The purpose of this paper is to provide such guidance.

1.1 The Nature of Special Education

Special education refers to the education of children with special needs: children who are gifted or talented or children who are handicapped. It is intended for a rather small proportion of the total population, and may differ from general education in one or more significant ways. In order to understand the nature and scope of special education, it is helpful to consider the background of general education against which special education is set.

The education of most children in Alberta has traditionally been provided through group instruction in classes in locally operated schools, making use of provincially developed or approved curricula. The goals and objectives which are thought to be important for all pupils serve to guide the development of curricula. It is expected that these curricula, in the hands of competent teachers, will be able to meet the educational needs and interests of a wide variety of students. Special education is intended to serve that relatively small proportion of students whose needs cannot be met adequately by the regular program. Such students may require special curricula; methods of instruction that are different from conventional methods; or modifications to programs, facilities, equipment, materials, and settings.

1.1.1 Alberta's Goals of Education and Goals of Schooling

In 1978 the legislature of the Province of Alberta took an important step when it defined the role of the school in the education of children and adopted a statement of purpose and goals of basic education. Two separate goals statements the **Goals of Education** and the **Goals of Schooling**, were adopted, thus distinguishing between the broader concept of education, and the narrower one of schooling. In the words of the document, the school is "only one of the agencies involved in the education of youth. The home, the church, the media and community organizations are very significant influences on children". An examination of the two goals statements makes it clear that the goals for which the school has primary responsibility tend to be cognitive and academic, whereas the goals which focus on values and attitudes are a shared responsibility. This distinction has recently been restated in reference to secondary schools in the report, Secondary Education in Alberta (1985):

> *The responsibility for educating young people is widely shared within the community. While secondary schools must prepare students to face a broad horizon, the primary focus must be on developing the intellectual capabilities of students. (page 7)*

These statements of goals are of considerable importance for several reasons. First, they serve to set the overall direction for schools. Secondly, they identify the dual nature of the purpose of the school, personal fulfilment and social responsibility, a point which is reaffirmed in Secondary Education in Alberta:

> *The aim of education is to develop the knowledge, the skills, and the positive attitudes of individuals, so that they will be self-confident, capable and committed to setting goals, making informed choices and acting in ways that will improve their own lives and the life of their community. (page 7)*

Thirdly, they identify the areas of primary focus for the school. Fourthly, they acknowledge limits to the school's jurisdiction and responsibility. And fifthly, they lay the foundation for shared responsibility and a partnership in education.

1.1.2 The Role of the Regular School Program

Under the **School Act**, responsibility for the prescription and approval of curricula rests with the Minister of Education. Sophisticated procedures have evolved over the years for the development of courses of study that will ensure that a core of essential learnings will be taught, and at the same time ensure that a wide range of individual differences will be accommodated. Through the use of a core/elective format, the provision of alternate sequences of courses in academic subjects, and the development of a wide variety of programs in senior high school, the program of studies attempts to address the needs and abilities of the great majority of students.

1.1.3 Expected Variation in Growth and Achievement

It is expected that there will be wide variations in achievement in every school, for several reasons. Obviously, there are innate individual differences in general academic aptitude as well as in specific abilities, which are not a result of teaching. There are differences in interests as well. As pointed out in Partners in Education: Principles for a New School Act, "The degree of individual achievement . . . depends on student ability and motivation as well as support from the home." There will be high achieving and low achieving students in every class, all part of the expected variation in performance.

1.1.4 Special Needs

There may at times be students whose needs and abilities vary so markedly from those of the majority of students that the regular program of studies cannot reasonably respond to them. These are the students who are served by special education.

There is a variety of special needs which can be educationally significant. These may include:

* deafness
* blindness
* physical disability
* multiple disabilities
* severe expressive and/or receptive language delay
* severe behavioral disorder
* mild mental retardation
* moderate mental retardation
* severe mental retardation
* gifted and talented

Special needs can exist in varying degrees and may or may not be considered educationally significant. The question of how great a need or how severe a handicap must be in order to be educationally significant and to require special educational services and programming is one that each school board must address.

1.1.5 The Dimensions of Individualization in Program Planning

In recent years it has become a widespread practice to develop individual education plans for each child with educationally significant special needs. In many states in the United States such IEP's are required by law. In Alberta, expectations for the use of similar plans (referred to here as "individual program plans" or IPP's) are described in Alberta Education's Special Education Program of Studies and the Special Education Handbook. When referring to individual program planning to meet special needs, the term "individualization" does not refer only, or even necessarily, to one-to-one instruction. Rather, it refers to the process of planning a program that will address the specific needs of a particular child. Every aspect of the child's education needs to be considered: facilities, programs, resources, teaching and training methods, and personnel. For children with severe handicaps, even the goals of education and the goals of schooling may need to be examined and modified.

1.1.6 Summary

Special education refers to the education of children with educationally significant special needs. Although the regular school program can respond to the needs of the great majority of students in striving to attain the **Goals of Education and the Goals of Schooling**, it is inadequate for the special education student. Alberta Education's policy on special education establishes the expectation that the school board will provide for each special education student an individually designed program, which will address the child's special needs.

1.2 Responsibility for Special Education

1.2.1 Historical Review

For many years the responsibility for the education of children with special needs has been shared between the family and two levels of government in Alberta. In the first half of the century, when there was a somewhat narrower and more academic view of education, it was not uncommon for school systems simply to exclude

those students who were thought not to be capable of profiting from schooling. At the same time, the Province assumed full responsibility for the education of children who were deaf or blind. The Province also undertook to provide training for the more severely mentally handicapped, although not under the Department of Education. Local school systems were not held to be responsible for the education of students with special needs, but the **School Act** permitted them to take such responsibility if they wished, and provincial funds were made available to those school boards that wished to provide special educational services. In this way, special classes for mildly mentally handicapped, visually impaired, hearing impaired, and for children with certain other handicaps were provided by some school systems commencing in the 1920's. There were major gaps in service, however, with some parents being left with the full responsibility for raising and educating those handicapped children who did not fit in the regular school program and for whom special programs were not available, or were available only as a part of institutional care, which many parents found unacceptable. The 1950's and 1960's saw the development in many communities of parent organizations, formed for the purpose of establishing day schools for moderately handicapped children.

In the years that followed, most of these schools were absorbed into the public school systems of the Province. At the same time, the number and variety of special educational classes and services offered by school systems increased dramatically. As a result, by the 1970's a wide range of publicly funded services was available for the education of children with special needs.

1.2.2 The Legal Basis: The School Act

The uncertainty about the responsibility of local school boards for the education of Alberta children with special needs remained until 1978. The Alberta **School Act** allowed for the provision of special educational services, but did not mandate it. However, in 1978 a case of major significance (Carriere vs. County of Lamont) clarified the situation. The Supreme Court of Alberta ruled that every child resident in a school jurisdiction is a pupil under the Act. The school board thus has an obligation to provide each child with an educational program. Also, parents of children with special needs are subject to the requirements of the Act concerning compulsory attendance. Although a pupil may be excused from regular attendance for a period of time pending the development of a special educational program, the Act does not permit a child to be excused or excluded indefinitely from school because of his or her special needs.

There is still a lack of clarity in legislation regarding the kind of program which must be provided. The present **School Act** (R.S.A. 1980) says very little about the nature of the educational program to be provided for students with special needs. In making his judgment in the Carriere case cited above, the Honorable Mr. Justice O'Byrne indicated: "I do not have the authority to direct the Board as to what must be done or the manner in which this Order is to be complied with. That is a matter for the Board to resolve". The Act does permit school boards to provide special educational services, and to enter into agreements with private schools to provide special educational programs on the board's behalf. However, it does not require boards to provide an adequate special program for each child with special needs, nor does it provide any guidance concerning what is meant by adequate.

1.2.3 The Charter of Rights and Freedoms

The **Charter of Rights and Freedoms**, embodied in the Constitution Act of 1982, does not speak directly to education, except insofar as it deals with minority language rights in education. However, it may well have implications for the provision of educational services. The Charter supersedes provincial law and provides that such provincial laws as are inconsistent with the Charter are of "no force and effect". The Charter instructs judges to enforce the rights and freedoms which the Charter guarantees [Section 24 (1)]. This implies, therefore, that judicial decisions will, over time, help to make educational policies, even in areas where the Charter does not speak directly to education.

One section of the Charter that may be of importance is Section 15, which guarantees to everyone equality before and under the law, and equal protection and benefit of the law. Although it is as yet unclear what the term "equal" means when it applies to education, this section is being taken to support clearly the right of everyone to an education. It may be invoked if a parent feels that one child, because of a handicapping condition, is being denied a benefit which is provided to others.

Furthermore, reference is made in the Charter of Rights to the principles of fundamental justice. This concept embodies the idea of procedural fairness and requires that procedural

safeguards be in place. In the school setting, such safeguards should protect students against the arbitrary and capricious acts of school officials, including the arbitrary and capricious placement of special needs students in special education programs. The following steps would ensure procedural fairness:

1. The decision must be clear, well-reasoned and carefully explained.
2. It must be clear how the decision was reached.
3. The decision must be demonstrably based on evidence, and that evidence should come from third parties who can claim both expertise and objectivity.
4. The procedure shall ensure, if at all possible, that parents are involved, and not merely informed, throughout the decision-making process.

Although the full effect of the Charter of Rights and Freedoms may not be known for some time, it does appear to have implications regarding the rights of children with special needs to an education. It also emphasizes to school boards the importance of procedural fairness.

1.2.4 Alberta Education Policy

If current legislation does not make it clear what is required of a school board regarding the type of educational programs that should be provided for students with special needs, boards may look to Alberta Education policy for direction. The policy reads as follows: (Program Policy Manual, Third Edition, page 29)

> *Alberta Education supports the provision of educational programs for exceptional students who have special needs, whether the students are gifted, talented, or educationally disabled.*

In the rationale for this policy (Special Education Manual, 1987, page 3) it is pointed out that special education implies a commitment to provide special facilities and methods which will make it possible for those children who deviate markedly from the average to receive an education commensurate with their potential. The guidelines under the policy state that school jurisdictions are responsible for "identification, assessment and placement of exceptional students". School jurisdictions are also responsible for "evaluation of the individual progress of exceptional students". Furthermore, the guidelines under the policy make clear the expectation that each school board will develop and implement individual program plans. These should describe the needs of the exceptional students and how their needs will be met. In the Special Education Manual (page 18) it is noted that the principles of fundamental justice require that the parents of a special education student should be "consulted and participate in decision-making in all aspects of procedures in the selection, placement, and programming of the student's education".

1.2.5 Summary

The **School Act** requires that a board provide for the education of each child resident in its jurisdiction who is of school age. The **Charter of Rights and Freedoms** may also imply a right of children with special needs to an education, and through its reference to the principles of fundamental justice, stresses the importance of procedural fairness. By policy, Alberta Education supports the education of exceptional children and provides funding for the support of such education. Also, by policy, it expects each school jurisdiction to identify its exceptional students and provide each of them with an educational program which will be commensurate with his or her needs and abilities.

1.3 Parental Responsibility

1.3.1 The Legal Basis

Under the **School Act**, parents are required to ensure that their children are in regular attendance at school, unless they have been excused from attendance for one of the acceptable reasons stated in the Act. Parents are allowed some choice concerning how and where their children will be educated, but always subject to the approval of the Minister or the Minister's delegate or designee. Section 180 of the Act provides for penalties for parents who fail to ensure that their children attend school or are otherwise under efficient instruction. It is clear that parents have a legal responsibility to see to their children's education.

1.3.2 Policy Statements Bearing on Parental Responsibility

Alberta Education's policy on special education addresses parental involvement in planning and monitoring individual program plans, but says little about parental obligations regarding the education of exceptional children. The policy does not recognize that some parents may choose to place their children in private school programs without the concurrence of the school board, in

which case the placement is the parents' responsibility.

In the United Nations Universal Declaration of Human Rights, which was accepted by Canada, parents are accorded a specific right to participate in the education of their children. As MacKay (1984) points out, while the United Nations declarations have no automatic legal impact, "they can be used as guides to interpreting the relevant state legislation" (page 39).

The current public attitude in the Province, as reflected in submissions made during 1984 and 1985 to the Advisory Committee for the School Act Review, seems to support the Declaration of Human Rights position that parents have a right and a responsibility to participate in the education of their children (see Partners in Education, 1985).

A statement of the present Government's position on this matter appears in Secondary Education in Alberta (1985), which presents the current policy. The role of parents is referred to as follows (page 15):

> *Student program decisions should be made jointly with the students, their families, and the school's professional staff. Students' educational needs and abilities should be considered and the implications of selecting alternative courses should be clarified to the students and their families.*

Furthermore, the statement of purpose (page 7) contains the following assertion:

> *Achieving the aim of education is not the sole responsibility of schools. The responsibility for educating young people is widely shared within the community.*

One can assume that these statements refer to all students of secondary school age, with or without special needs. In reference to principle number 7, there is the following statement (page 9):

> *It is clear that the educational needs of students are becoming increasingly broad and diverse. Our secondary schools have students with exceptional educational needs ranging from the severely multi-handicapped to the gifted and talented.*

For special education students in the secondary school, then, achieving the aims of education is not the responsibility of the school alone.

1.3.3 Summary

In Alberta, parents are held responsible under the **School Act** for ensuring that their children of compulsory school age are attending school or are lawfully excused. By provincial policy, they are expected to participate in making important decisions about their children's education. For the attainment of the **Goals of Education**, the school does not bear sole responsibility; a partnership is required, for special-needs children as well as for others.

1.4 The Partnership

1.4.1 The Basis for Partnership in the Goals of Education

As pointed out earlier the two statements endorsed by the Legislature, the **Goals of Education and the Goals of Schooling**, provide the foundation for a partnership in the education of children. For the Goals of Schooling, the school has primary responsibility, while the responsibility for the **Goals of Education** is shared amongst school, home, and other community institutions and agencies. An examination of the **Goals of Schooling** reveals a heavy emphasis on what have traditionally been thought of as "school skills", viz. the 3 R's, academic knowledge, citizenship, and vocational preparation. This focus is reiterated in Secondary Education in Alberta in reference to principle number 1:

> *While secondary schools must prepare students to face a broad horizon, the primary focus must be on developing the intellectual capabilities of students.*

While these are entirely appropriate goals for the great majority of children, they may be less appropriate for some special needs children, particularly those with severe mental handicaps. Only one of the **Goals of Schooling** seems broad enough to be applicable to all children regardless of disability: "To acquire knowledge and develop skills, attitudes and habits which contribute to physical, mental and social well-being". The others may be inappropriate or unrealistic for some exceptional children.

The **Goals of Education**, in contrast, are in most cases applicable to all children. For some exceptional children they will assume greater importance than the Goals of Schooling. Since these goals are recognized as a shared responsibility, the importance of a partnership becomes obvious. The school, the parents, and

perhaps other agencies must work cooperatively for their attainment.

1.4.2 The Participants in the Partnership

In particular instances there may be many members of the partnership. For example, where there are significant medical, psychiatric, social or developmental needs, there may need to be a number of other professions and agencies involved. However, it is clear that the school and the parents will be the principal members of the partnership in nearly every case.

1.4.3 The Nature of the Partnership

Partnership can take many forms, and the nature of the partnership needs to be explored. At one level, it may not go beyond informed consent. This minimal level of partnership is implied in various Alberta Education documents including the Program Policy Manual, the Special Education Program of Studies and the Special Education Handbook. Consider, for example, the statement concerning placement on page 17 of the Special Education Manual:

> *Where testing and assesment indicate that a special education placement would be beneficial for a student, the parents should agree in writing and the program and anticipated benefits should be explained to them.*

A similar level of partnership is implied in this same document in the section dealing with standards, for example under "assessment", "programming", and "evaluation". In each case it is simply recommended that the parents be informed about what has been learned about or planned for their child. Such a partnership limited to informed consent can be valuable. There is much to be gained by keeping parents informed about what is being done, and by soliciting their cooperation in the implementation of the special educational program for their child. These benefits are discussed in some detail in Alberta Education's Special Education Handbook.

This kind of informed consent, however, is not the only type of partnership possible. In its "Brief to Alberta Education Regarding Recommendations for Revision of the Alberta School Act" in 1985, the Alberta Association for Children and Adults with Learning Disabilities alluded to a more comprehensive partnership when it called for:

> *The right of the parent or guardian or student, when appropriate, to be included in every stage of the decision-making process. This would necessarily include the right of access to all records, testing and information related to the assessment, placement, program, and ongoing evaluation of the student.*

This position is embodied in Alberta Education's Special Education Manual under parental involvement (page 18), already cited but repeated here for emphasis:

> *The principles of fundamental justice[1] in special educational matters require that the parents of a special education student are consulted and participate in decision-making in all aspects of procedures in the selection, placement and programming of the student's education.*

This is a form of partnership that goes far beyond "informed consent". In view of the Charter of Rights, it is the kind of partnership that will be necessary. Such a partnership, operating by the rules of procedural fairness, is considered an essential part of any definition of adequacy in special education.

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1. There is a divergence of opinion regarding the interpretation of "principles of fundamental justice" as found in section (of the Charter of Rights). The intent would seem to be to equate it with natural justice and with "procedural requirements of fairness".

   MacKay (1985) explains "natural justice" as follows:
   Natural justice is a basic concept rooted in common law, the Magna Carta, and the Bible. The term has a technical legal meaning and is not, as one might think, a simple meting-out of ju .ice. The heart of natural justice is fair procedures; it is analogous to the U.S. concept of "due process". There are two premises of natural justice: first, a decision-maker should not be biased; second, an opportunity to be heard should be given to those affected by the decision.

1.4.4 Summary

In order to achieve the **Goals of Schooling and the Goals of Education**, there must be a partnership among the school, the parents, and perhaps other agencies. The partnership will involve consultation with parents, and their participation in decision-making in all aspects of the development of the special education program for their child.

2.0 The Concept of Adequacy

Several statements in Alberta Education's Special Education Manual contain the ideas of "acceptability" and "adequacy" in programming for exceptional children. At the very beginning of the Manual is the following statement:

> *Special education implies a commitment to provide special facilities and methods which make it ossible for those children who deviate markea.y from the average to receive an*

education commensurate with their potential. Special education attempts to provide to children with exceptional educational needs learning opportunities which are relevant to their needs. There is a commitment to the proposition that all children should be enabled to learn as much as they can and be helped to develop as completely as possible (page 3).

Although this statement is useful as a general principle of commitment to serving exceptional children, and does provide a definition of "acceptable" as being "commensurate with their potential" and "relevant to their needs", it does not provide any clear understanding of what is required in order for a program to be adequate. The task is not easy. McCarthy and Deignan (1983), in their review of the legal constituents of an adequate education in the United States, observe:

The quest for educational adequacy has generated substantial legal activity; however, the meaning of the term 'adequacy' has eluded consensus (page 94).

Elsewhere (page 45) they point out that over half of the states participating in recent federally funded studies of state school finance systems reported that there was "no identifiable process for defining educational adequacy", and further that "most of the remaining states indicated that adequacy was defined in terms of minimum school input specifications". McCarthy and Deignan are speaking here in reference to education in general, but the problem of definition is no easier in special education.

2.1 Input and Output Measures

McCarthy and Deignan's reference to minimum input specifications is significant. One important point to be addressed in defining adequacy is whether to consider input variables or outcomes. Duke (1985) refers to "inputs", "throughputs" and "outputs" in his discussion of the assessment of quality in education. "Inputs" refer to the resources that go into the educational enterprise; "throughputs" refer to the ongoing allocation and use of resources; and "outputs" refer to "the expectations for those who benefit from the resources". For the present purpose, inputs and throughputs are considered together as "input" variables.

McCarthy and Deignan deal at length with the issue of input versus output measures, observing that with very few exceptions states and local school systems have relied on input measures to determine adequacy:

Most state school-approval schemes . . . focus primarily on program inputs (e.g. teacher qualifications, course offerings, instructional time, materials, teacher/pupil ratio, facilities). In some states public schools are required to provide remedial programs for students with identified deficiencies, but in no state is school approval based on the attainment of outcomes (page 55).

State accreditation procedures and approval schemes, they point out, "are based on the assumption that compliance with such requirements will have a positive effect on school outcomes, primarily student achievement". They identify at least two reasons for this preference for input measures in assessing adequacy. First, there is frequently a lack of consensus about desired outcomes, and a tendency to express goals of schooling in global terms which make the measurement of outcomes difficult. Their second reason has to do with the limitations of psychometric knowledge. Many important outcomes defy measurement. Others may not be able to be assessed until years after schooling has been completed. It is usually only reading and computation that are measured, if outcomes are measured at all, and even here there can be concerns about such matters as test validity, reliability, and freedom from bias.

Another issue, not addressed by McCarthy and Deignan but of major importance, concerns the legitimacy of holding the school accountable for outcomes when it has control over only some of the variables that influence the outcomes. The attainment of educational goals is influenced by many factors, such as the following:

a) the correct assessment of the student's abilities and special needs;
b) the selection of goals which are realistic in view of the student's special needs;
c) the selection of effective methods and instructional resources;
d) the availability of adequate resources: Reference is made here not only to financial resources. It could also be the case, especially in jurisdictions away from major cities, that specialized personnel are not available even though the funds are available.
e) availability of ancillary services in the community;
f) the degree of parental support and cooperation;
g) the student's motivation to succeed;
h) the degree of skill of the professional and

paraprofessional personnel implementing the program;

i) the continuity and consistency of implementation of the program.

Since the school may have control over only some of these variables, it cannot reasonably be held solely accountable for the outcomes. The position taken here, then, is that the assessment of adequacy should not depend only on the assessment of outcomes, but rather should focus on the assessment of input variables. Included in these input variables, is the monitoring and evaluation process, which provides output measures that allow for refinement and revision of programs as required.

2.2 A Choice of Programs

It should be stressed that a school system is expected to provide an adequate program, but not a particular program. There will be instances in which more than one educational program will be acceptable, in the sense that it is relevant to the child's identified special educational needs, and there will be advocates for each alternative program as the "best" or "most suitable" program. There may be several approaches to the treatment of certain learning disabilities, for example, each of them "acceptable". The school system's obligation is to provide an adequate and relevant program but not a particular one. Several court rulings in the United States have clearly stated the position that a school board is not expected to maximize each handicapped child's potential, or to provide "the best" or "a maximum" program, but one that is "appropriate" (Turner, 1983; Metzger et al, 1982). In litigation under the **Alberta Individual Rights Protection Act** (Alberta Human Rights Commission vs. Calgary Board of Education, 1986) the court ruled that the Act guaranteed only that the student was entitled to an education, but did not guarantee a particular type of education requested by the parents.

Another point to bear in mind is the importance of clarity about program goals. The term "adequate", by definition, means sufficient for a given purpose. Therefore, before adequacy of a particular service or program can be assessed, there must be some agreement about what the programs and resources are expected to achieve. For example it would be important, in the case of a profoundly deaf child, to determine whether the goal was the acquisition of competence in oral communication, or competence in effective communication whether oral or manual. A judgment about the adequacy of a particular program can be made only in reference to the purpose that the program is intended to serve. The student with a severe reading problem serves as another (and more common) example. If the goal is to have the student become a fluent reader, then any program which fails to do so will be seen by some as inadequate. However, the **Goals of Schooling and Goals of Education** include much more than the achievement of fluency in reading, and the program goals for any student with special needs must also include more than a narrow focus on reading. In recognition of the fact that some students, because of a handicapping condition, may never become fluent readers, the goals for some students may in fact place less emphasis on reading skills, and more on other important program goals. Only when the goals have been determined can the adequacy of a program be assessed.

2.3 Summary

In summary, a board is expected to provide an adequate program for each special education student. A program will be acceptable if it is commensurate with the child's potential and relevant to his or her special needs. It will be adequate if the procedures followed in its development have recognized the principles of fundamental justice; the parents (who share the responsibility for the child's education) have been involved in the planning; and if the input requirements discussed in the next section have been met. The emphasis in determining adequacy is on the provision of certain input variables. Outcomes play an important role in program monitoring and modification.

3.0 Input Requirements for an Adequate Program

3.1 Identification

The school bears a special responsibility for the initial identification of some handicapping conditions. This may involve drawing parents' attention to conditions which have been previously undetected. Parents may become so accustomed to what may be rather subtle conditions that they are unaware of developmental delays or other handicaps which may be educationally significant. In some cases, particularly involving learning disabilities, the learning difficulty may become evident only in the face of the demands of the regular school

program, in which case the child's teacher will very likely be the first person to realize that there is a problem. In other cases, parents are the first to become aware of potential problems and need to be able to draw the attention of the school to these concerns in a legitimate manner.

In order to ensure itself and its constituents that it is capable of providing an adequate program for children with special needs, the school must be able to demonstrate that it is able to monitor the progress of children in the regular program and identify students who may be having significant difficulties. It must have procedures in place for the identification and referral of children who may have educationally significant special needs. These procedures should be responsive to parent referrals as well as school referrals. If the child with a significant hearing loss or learning disability is allowed to proceed through four or five years of schooling without the problem being identified and referred for assessment, parents may quite understandably question the school's ability or intention to provide suitable and adequate special services. The need for effective screening and referral procedures is evident, and is discussed in Alberta Education's Special Education Manual (page 17).

3.2 Assessment

The purpose of assessment in special education is two-fold: to provide a comprehensive picture of the special needs of the child that cannot be met adequately by the regular school program, and to provide a basis for setting suitable educational goals and designing an adequate program. The assessment must therefore be as thorough as is required. For relatively simple problems, a limited assessment focussing on educational deficiencies may be sufficient, but for more serious, complex problems a more thorough assessment will be required. Also, if the monitoring process indicates that a particular approach is not working, then a more extensive assessment may be indicated. Although most commonly an adequate assessment will involve the disciplines of psychology and education, in some cases it will need to include other disciplines as well. The section on standards in Alberta's Education Special Education Manual indicates some of these (page 4):

b) Assessments in speech, reading and psychoeducational areas should be conducted by persons who meet the qualification requirements of Alberta Education.

c) Depending on a student's needs, further assessment may be necessary in areas such as:
   i) behavior
   ii) language
   iii) health and medical
   iv) creativity
   v) mental and physical development

The reference to qualification requirements in this statement of standards points up a most important matter in relation to adequacy of services. Assessments must be carried out by persons who are competent to conduct them. In order to be assured that this is so, school systems should insist that the professionals who provide assessments are (a) in good standing with their respective professional organizations, and (b) possess the necessary specialized training and experience. That is, not only should a psychological assessment be done by a psychologist, but the psychologist should have special qualifications relevant to the learning or behavioral deficits involved. The qualification requirements set by Alberta Education for the provision of service under the Learning Disabilities Fund when that funding program was in existence may provide a set of minimal qualifications for certain types of assessments, but should not be taken as the definitive list of qualifications required for an adequate assessment. In any case, one important input requirement for adequacy is that assessments be thorough, and be carried out by persons who have expertise and training.

3.3 Program Planning

An adequate program for an exceptional child must begin with the establishment of suitable goals. These must be based on the Goals of Schooling and Goals of Education, and on Provincial programs of studies which are based on these goals. This point is made in the **Standards** section of Alberta Education's Special Education Manual: "5 (b) Programs should be consistent with Alberta Education Programs of Studies". Programs for exceptional children, however, must also be consistent with the identified special educational needs of the child. McBride (1986) has made this point succinctly: "The objectives established for each child must reflect that child's abilities and the program should be built around goals that are appropriate given the current functioning level of the child".

An adequate program to meet these goals must consider a number of factors: program

content and activities, time allocated for instruction, the use of differentiated staffing, and the selection of learning equipment and resources. Program content and activities will vary widely, depending on the special needs of the child and the goals established, and cannot be considered in detail here. It is important, however, that they be based on acceptable current methodology. Accepted general principles of learning must form the basis of the program, supplemented by current specialized knowledge relevant to the child's special needs. In the field of special education, there are many methodologies which have been developed in attempting to meet the needs of particular handicapping conditions. The field of learning disabilities serves as an illustration. While particular methods may be found to work well in particular cases, no one methodology has gained precedence over the others.

The Program of Studies for Elementary Schools and the Junior Senior High School Handbook provide direction regarding the amount of time to be allocated to the educational program. Students with special educational needs should receive the same number of hours of instruction as students in regular education programs. As well, students with special needs, should be under instruction at the same time as other students during the day. A school jurisdiction must determine what amount of time, within normal limits of the school day and the school year, is reasonably required to achieve the goals established for the program. If it is felt to be desirable for an individual's program to extend beyond the normal school day or school year, then it is important that those involved in the program work cooperatively to develop ways to make that possible.

Differentiated staffing is an essential part of program planning and is made possible by the current block funding available for the support of special education. An adequate program must make use of teaching staff as well as paraprofessional and support staff with training and experience that allow the goals of the program to be met.

Regarding program planning, input factors required for adequacy include the following:

a) the establishment of program goals consistent with the **Goals of Schooling** and the **Goals of Education** and relevant to the identified special needs of the child;
b) the selection of content and methodology suitable to the chosen goals;
c) the allocation of an amount of time sufficient for the achievement of the goals; and
d) the provision of professional and paraprofessional staff and support services to enable the goals of the program to be met.

3.4 Program Implementation

Adequacy in a special educational program depends not only on the design of the program but also on the implementation. In this regard, several factors become important: competence of the professional, paraprofessional and support staff; the suitability of the setting in which the program is offered; the ratio of students to program personnel; the availability of support services; and the level of administrative support for the program.

Regarding the competence of the program personnel, it is important that the teacher, who is the professional responsible for the implementation of the program, have the necessary qualifications. This means first of all that the person is a certificated teacher. In addition, he or she must have specialized training and/or experience related to the special needs of the pupil. Specialization in special education during preservice training should be given high priority, but specialized training can be gained in other ways as well. Inservice training, for example, can be useful in developing specialized skills and understandings, as can internship experiences. The teacher responsible for implementing a special education program should possess special training and/or experience relevant to the program. Moreover, the teacher should demonstrate the competence required to implement the program. McBride (1986) has provided a list of "Criterion Teaching Behaviors" which could be useful in determining whether or not a teacher has the necessary qualifications to implement the special education program (see Appendix A).

It is perhaps less important that the paraprofessionals involved in the program have specialized training, if sufficient inservice training can be provided. However, in view of the fact that there are now several community college programs to prepare rehabilitation aides and other paraprofessionals, it is advisable to seek to employ the graduates of these programs whenever possible. Support personnel from other professions should, of course, be members in good standing in their own professional organizations,

and should have suitable training and experience for working with the particular special needs of the child.

The facility and the setting in which a special education program is offered is also relevant to the question of adequacy. Obviously there are standards of health, safety and accessibility to be met. In addition, as pointed out in the **Standards** section of the Special Education Manual, "Programs should include consideration for age, integration, and success experiences". The principle of normalization, the Cascade model of sevice delivery, and the idea of "least restrictive environment" have all received much attention in recent years, and should be considered in program planning. It should be noted, however, that effective integration is not a simple matter, and a simplistic interpretation is to be avoided.

The ratio of staff to pupils in a program will vary depending on the nature and severity of the special need of the students being served. While it is not possible to prescribe staffing ratios for each situation, the more severe the handicapping conditions being served, the lower would be the expected ratio.

The availability of support and consultative personnel is an important consideration in determining program adequacy. Particularly in instances of severe handicapping conditions, the teaching personnel may need to be able to consult with other specialists from time to time regarding program planning and implementation. Moreover, in some instances parts of the program may need to be provided by other professionals. If the necessary consultative and support personnel are not available, the adequacy of the program may be threatened.

3.5 Program Monitoring

An adequate program for a student with special needs should be developed on a clinical teaching model (Johnson and Myklebust, 1967), which requires ongoing program monitoring for the purpose of determining the degree to which program goals are being met. Through monitoring it can be determined whether or not the program needs to be modified, and whether or not further assessment is required in order to design a more effective program. Since the frequency of program monitoring reviews will vary from case to case, it would be inappropriate to specify a certain frequency or a certain number of reviews per year. It is clear, however, that an annual review would be the minimal requirement.

4.0 Parental Involvement

It has already been said that in order for a program to be adequate there must be procedural fairness and parental involvement. The value of a partnership approach has been emphasized. Moreover, Alberta Education's policy requires that the parents of a special education student "be consulted and participate in decision-making in all aspects of procedure in the selection, placement, and programming of the student's education". In practical terms, this can be interpreted as follows:

4.1 Identification

Parents must have the opportunity to be heard and to have serious attention paid to their expressions of concern about their child's suspected difficulties. School procedures for the identification process should include parental expressions of concern.

4.2 Referral

Boards should have procedures in place that will allow parents to request a referral beyond the school, in the event that their concerns expressed at the school level have not received due attention.

4.3 Assessment

Parents must be provided with the opportunity to be consulted regarding the nature and the extent of the assessment, although the choice of which assessments to include and of professionals to carry out the assessments at the Board's request will remain the prerogative of the Board. Also, the parents must have access to the results of any assessments and be provided with interpretations and an opportunity to discuss the results. Information from the parents, whether in the form of their own observations of the child or of results of other assessments obtained by the parents, needs to be taken into consideration in developing a program for the child.

4.4 Program Planning

Parents must have the opportunity to participate, on a partnership basis, with school personnel in decisions regarding program goals and program components, as well as in decisions regarding the implementation of various parts of the program. Such matters as the degree of integration to be attempted and feasible alternative approaches should be included in the discussions. Decisions about the type of program

and where the program will be offered are the responsibility of the Board, according to Section 145 of the **School Act**, (a point confirmed by court rulings in the case of Carriere vs. The County of Lamont and again in Yarmoloy vs. the Banff School District). However, parents should be consulted and included in the decision-making process as much as possible. An excellent vehicle for this purpose is the case conference model which allows for the active participation of all significant personnel in the development of program plans.

4.5 Program Implementation

If parents have been involved in the decisions concerning the design and implementation of their child's program, they can also be expected to support the school's efforts and to assist in the extension of the program at home where appropriate. Some parts of the program may indeed be the responsibility of the parents. In addition, parents may be expected to take responsibility for the initiation of other parts of the program, to be carried out by persons or agencies other than the school.

4.6 Program Monitoring

Parents should play a role in program monitoring. They should be provided with full information about program outcomes, such as test scores measuring academic progress and teacher observations about progress toward program goals. They should also be invited to provide information concerning their child's progress, and to take part in discussions about whether to continue or modify the program.

4.7 Summary

In short, the parents should be involved in, or be given the opportunity to be involved and provide input into decisions concerning, their child's special education program at every stage. If at any point an impasse should be reached, with the parents and school disagreeing about a particular aspect of the program or process, the school will have to make a decision about how to proceed. It is not expected that the school will necessarily accede to the parents' wishes. Rather, the school's decision must be based on several factors. One of these is feasibility, having regard for the best interests not only of the special-needs child but also for the welfare of the other students for whom the school is responsible, for program costs, for availability of support services, etc.

Also, the school must base its decision on its perception of suitability and adequacy. There may be instances, for example, where the parents wish to have a program which, according to competent professional opinion, is unsuitable for the child, is educationally unsound, or has goals which are unrealistic. They may favor an approach which has received popular attention but has little or no empirical support. In such a case, the school has an obligation to do what it believes, on the basis of the advice available to it, is educationally sound.

5.0 Appeal Procedures

Each school board is required to have appeal procedures established for students with special educational needs, and all parents should be made aware of these appeal procedures. In the event that parents should feel that the board is not providing an appropriate or an adequate program for their special-needs child, the steps for them to take in initiating an appeal should be well known and well defined.

6.0 Conclusion

Special education refers to the education of children with educationally significant special needs. Although the regular school program can respond to the needs of the great majority of students in striving to attain the **Goals of Education and Goals of Schooling**, it may not be completely adequate for the special education student.

The **School Act** requires that a board provide for the education of each child resident in its jurisdiction who is of school age. The **Charter of Rights and Freedoms** may also imply a right of children with special needs to an education. Alberta Education supports the education of exceptional children and provides funding for the support of such education. By policy, it expects each school jurisdiction to identify its exceptional students and provide each of them with an educational program which will be commensurate with his or her needs and abilities.

For the attainment of the **Goals of Education**, the school does not bear sole responsibility; a partnership is required. Since parents are expected to participate in making important decisions about their children's education, this partnership will involve consultation with parents, and their active participation in decision-making in all aspects of

the development of the special education program for their child.

By provincial policy, it is expected that children with educationally significant special needs will be provided with individually planned programs which will be both acceptable and adequate. A program will be acceptable if it is commensurate with the child's potential and relevant to his or her special needs. It will be adequate if:

a) the principles of fundamental justice are embodied in the school board's special education procedures giving parents the opportunity to be involved in all aspects of the procedures for selection, placement, and programming;
b) procedures are established for:
   i) identification of special-needs students;
   ii) assessment of students' needs by persons competent to carry out the assessments;
   iii) program planning which will consider program content and activities, time allocated for instruction, staffing, and the selection of learning equipment and resources;
   iv) program implementation by competent professional, paraprofessional and support staff in an appropriate setting, with an adequate staff-to-student ratio, adequate level of support services, and adequate administrative support;
   v) regular monitoring of individual progress toward established goals;
c) provision is made for modifying individual program plans when progress is not at an acceptable level;
d) appeal procedures are established and made known to parents.

In the great majority of cases, the partnership approach involving the active participation of parents, will lead to a more effective program for the special-needs child. The board that follows the steps discussed in this paper is acting responsibly in providing a program that is acceptable and adequate. **In instances where an adequate program cannot be provided, boards are expected to direct the student to an adequate program.**

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Appendix A

Criterion Teaching Behaviors for Special Education

General competence

a) Maintains an orderly, safe learning environment which is task-oriented and business-like, yet warm and convivial.
b) Demonstrates enthusiasm when working with children.
c) Is patient and understanding toward students.
d) Shows patience and understanding in working with aides, support staff, and other teachers.
e) Takes responsibility for general classroom/tutorial operations.
f) Is effective in communication with children and co-workers.
g) Is sensitive to the effects that physical conditions in the classroom may have on students' learning.
h) Minimizes student dependence on teacher — as appropriate to the level of handicap.

Assessment, establishment of objectives, and program planning

a) Assesses students' strengths and weaknesses in at least five areas.
b) Uses information from standardized measurement tools to assist with instructional planning.
c) Uses assessment data to profile students' strengths and weaknesses in setting up individualized educational programs (IEPs).
d) Records and interprets teacher/child interactions.
e) Analyzes learning tasks and breaks them down into smaller components (task analysis).
f) Writes specific instructional objectives for each student.
g) Shows initiative and is resourceful in planning the curriculum for the students: such planning is based on reasonable short-term and long-term goals.

Teaching/learning situations

a) Can teach attending behaviour with one child.
b) Can teach attending behaviour in a group.
c) Can teach a lesson that includes all of the essential steps.
d) Uses appropriate positive feedback (concrete and/or verbal) which is immediate and task relevant.
e) Uses modeling and cuing strategies.
f) Can shape new behaviours.
g) Uses punishment and extinction procedures appropriately for decreasing behaviour.
h) Teaches generalization.
i) Individualizes instruction within a group structure.
j) Selects and uses appropriate teaching materials.
k) Uses instructional media (pictures, films, tapes, print material) appropriately, keeping in mind the special needs of each child.

Evaluation and records

a) Shows interest and initiative in seeking out opportunities for improving teaching skills.
b) Evaluates daily lessons and activities involving aides in operational changes.
c) Evaluates program effectiveness in terms of pupil learning and behaviour.
d) Keeps records of student performance using both criterion-referenced and standardized data.

Parent involvement

a) Is sensitive to how parents feel about their child's disability.
b) Makes adequate preparation for meetings with parents.
c) Prepares parents for classroom visits.
d) Follows up on parent meetings.
e) Reports pupil progress to parents in a positive but objective way.

From McBride, S. R. "Evaluating Special Education: Love is Not Enough". The Canadian School Executive, March, 1986.

Appendix B

Placement Alternatives for Students with Special Educational Needs

The policy statement Secondary Education in Alberta, issued by the Alberta government in 1985, stresses the importance of integrating students having special educational needs with non-disabled students, whenever possible. This is termed 'mainstreaming'. Many educators, parents, and students viewed the previous reliance on using only self-contained or segregated programs to serve students having special educational needs as undesirable. Thus, strong pressure to integrate or mainstream educationally disabled and gifted and talented students into the regular school program has developed.

For students having special educational needs that require more support or protection than can be provided in a regular school program, a series of fully or semi-segregated classroom options has had to be retained.

Maynard Reynolds and Evelyn Deno pioneered the use of the Cascade Model to illustrate the range of service delivery methods appropriate to provide programs for all students having special educational needs. The version included here is modified to reflect the Alberta situation and appears in the Special Education Program of Studies for Alberta.

The Alberta Education position on the delivery of special education is summarized in this set of statements:

1. Students having special needs will have those needs served.
2. Where possible, students with special educational needs will be served in the regular school setting — mainstreamed.
3. Some special needs students may require a protected educational setting for at least part of their educational career. Whenever it is in the students' best interests, this setting will be considered valid as part of the range of services to be provided.
4. Whenever it is in the best interests of the special needs students, they will be moved from a more protected educational setting towards a less protected class placement.

The Cascade Service Delivery Model identifies the relative degree of protection offered by various placement options, the educator who is directly responsible for the individual program and the progress of the special needs student, and the special resources and support services required to make each option effective.

The Cascade Model suggests the relative population of special needs students likely to be found at each level of service delivery. The widest bar at the top represents the largest number of special needs students, those integrated or mainstreamed fully into regular classes. The next bar represents students receiving some form of assistance external to the classroom. The ratio between adults and students becomes smaller as one moves "down" the model, because the severity of the students' problems tends to make greater support and protection necessary. The model also reflects this diminishing ratio of adults to students as the intensity of the special needs increases.

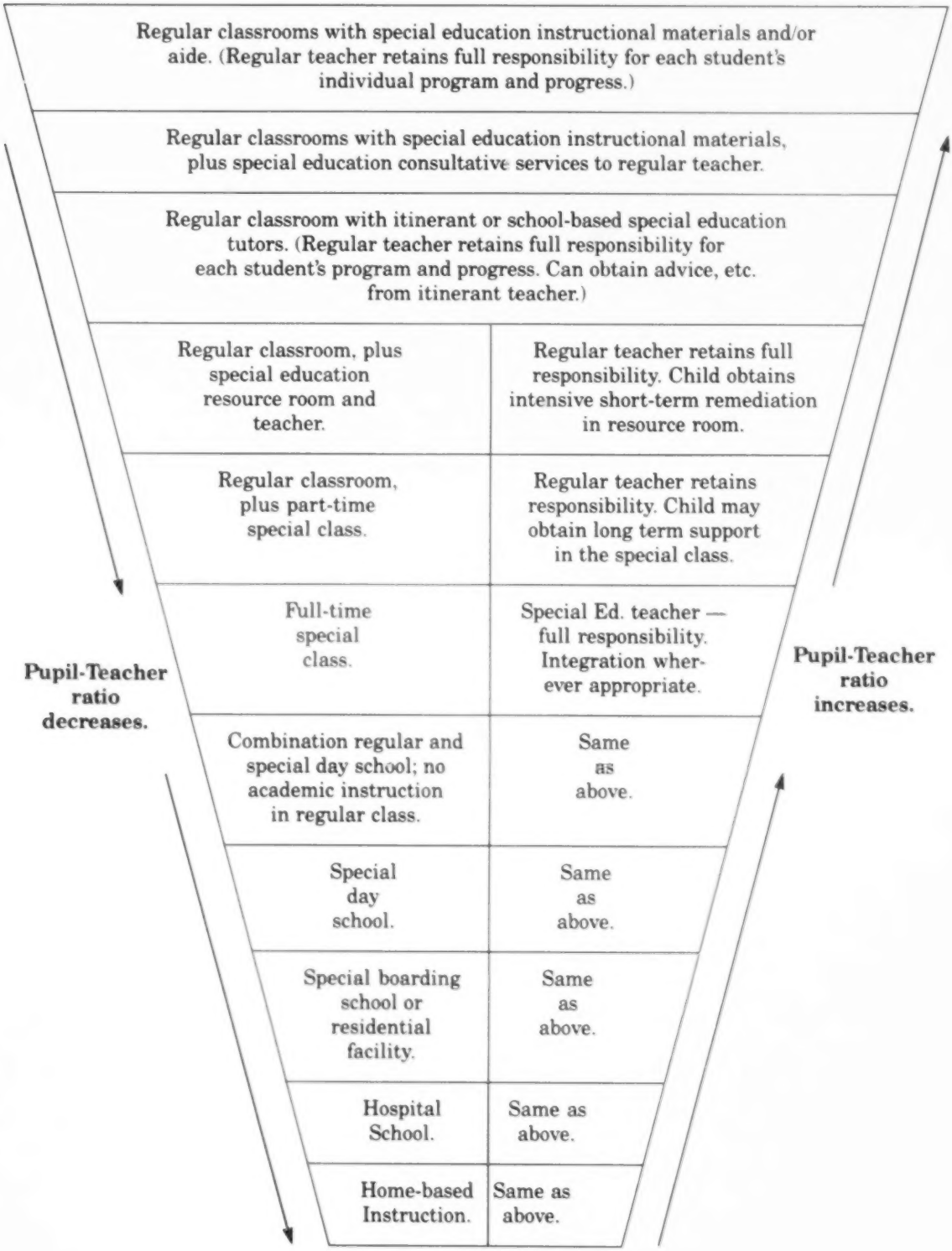
One objective of the special education assessment is to determine what placement will best serve the student having special needs. A vital objective of the special education instructional program is to assist the special needs student to move "up" the Cascade Model to a less protective setting, when it is in the student's best interests.

Every placement on the Cascade Model may be valid for the special needs student who can benefit by that placement. The importance of moving the student toward the less protective settings with the eventual goal of attaining regular class placement — i.e. mainstreaming — must be balanced with the recognition that settings with more specialized assistance may be required by some students.

The degree of support required for the special needs student is indicated at each level of the Cascade Model. The support necessary for special needs students mainstreamed in the regular classroom varies according to needs and may include special teaching techniques (oral descriptions of chalkboard diagrams for the blind, listing key words and concepts for the deaf), special materials (sound recording for the paralysed, braille textbooks for the blind), and additional personnel (consultant for the behaviourally disordered, teacher aide, interpreter for the deaf), or a lower student-teacher ratio. The mainstreamed student is placed in jeopardy when requirements for extra support are not met.

In order for the special needs student to be integrated appropriately into the regular classroom, the student must be able to cope intellectually, socially and emotionally, with a fair degree of success, with the learning and other activities being carried out by the other students in the classroom.

Cascade Service Delivery Model


Regular classrooms with special education instructional materials and/or aide. (Regular teacher retains full responsibility for each student's individual program and progress.)
Regular classrooms with special education instructional materials, plus special education consultative services to regular teacher.
Regular classroom with itinerant or school-based special education tutors. (Regular teacher retains full responsibility for each student's program and progress. Can obtain advice, etc. from itinerant teacher.)
Regular classroom, plus special education resource room and teacher.
Regular teacher retains full responsibility. Child obtains intensive short-term remediation in resource room.
Regular classroom, plus part-time special class.
Regular teacher retains responsibility. Child may obtain long term support in the special class.
Full-time special class.
Special Ed. teacher — full responsibility. Integration wherever appropriate.
Combination regular and special day school; no academic instruction in regular class.
Same as above.
Special day school.
Same as above.
Special boarding school or residential facility.
Same as above.
Hospital School.
Same as above.
Home-based Instruction.
Same as above.
Pupil-Teacher ratio decreases.
Pupil-Teacher ratio increases.